HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 589 (S/S)06:

D.S. Gupta S/o Sri Babulal,
Pharmacist, Civil Hospital, Tanakpur. ----Petitioner.

Vs.

1. State of Uttaranchal through,
   Secretary Medical and Health,
   Govt. of Uttaranchal, Dehradun.
2. Chief Medical Officer, Champawat,
3. In-charge Medical Officer,
   Civil Hospital, Tanakpur,
   District Champawat. ------Respondents.

Sri S.K. Posti, learned counsel for the petitioner.
Learned counsel for the respondents.

Hon'ble B.S. Verma, J.

Heard Sri S.K. Posti, learned counsel for the petitioner and learned Standing Counsel for Sate of Uttaranchal who has accepted notices for the respondents.

2. This writ petition has been filed by the petitioner with a prayer to issue a writ, order or direction in the nature of certiorari for quashing of the order dated 13.04.2006 passed by the respondent no.2 i.e. the Chief Medical Officer, Champawat by which the petitioner has been transferred from Civil Hospital, Tanakpur to State Allopathic Dispensary, Sipti, Champawat.

3. Counsel for the petitioner has submitted that the petitioner is living alongwith has family at Tanakpur and his children are studying in the different schools situated there. In case he is transferred in the middle of session, his family will be

dislocated and the education of his children will be affected adversely.

4. Counsel for the petitioner has made statement at bar, that the petitioner has yet not been relieved, therefore, he may be posted at his present place of posting for at least one month.

5. On the other hand learned Standing Counsel has vehemently submitted that the transfer order has been passed on administrative ground.

6. In view of he above facts, the respondents are directed that he impugned transfer order dated 13.04.2006 passed by respondent no. 2, annexure no. 5 to the writ petition, so far it relates to the petitioner, may not be given effect to till 15th June 2006 only. The petitioner will handover his charge on 16th June 2006 and will join at his new place of posting, immediately thereafter.

7. With these directions, the writ petition is finally disposed of.

(B.S. Verma, J.)

May 5, 2006:
NCM: